

BEFORE THE DEPARTMENT OF AGRICULTURE
AND THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption of ARM)
New Rule I through VII relating to)
Montana certified natural beef cattle)
marketing program)

NOTICE OF ADOPTION

TO: All Concerned Persons

1. On January 17, 2008, the Montana Department of Agriculture and the Montana Department of Livestock published MAR Notice No. 4-14-179 relating to the public hearing on the proposed adoption of the above-stated rules at page 1 of the 2008 Montana Administrative Register, Issue Number 1.

2. The departments have adopted ARM New Rule I, 4.18.101, New Rule II, 4.18.102, New Rule III, 4.18.103, New Rule IV, 4.18.104, New Rule V, 4.18.105, New Rule VI, 4.18.106, and New Rule VII, 4.18.112 exactly as proposed.

3. The departments have thoroughly considered the comments received. A summary of the comments received and the departments' responses follow:

COMMENT #1 Ernie Chacon asked if a definition for "chemicals" could be included.

RESPONSE #1 The departments believe that the dictionary definition of chemical was appropriate and no specialized definition was needed.

COMMENT #2 Keep Antibiotics Working (KAW) requests that the Montana Certified Natural Beef requirements include a requirement that cattle not be given medically important antibiotics for nontherapeutic purposes. KAW included definitions for "nontherapeutic use" and "medically important antibiotics".

RESPONSE #2 The law sets the requirement for the Montana Certified Natural Beef program, not the rules. The law requires that the beef be raised without subtherapeutic antibiotics which is similar if less exact then the KAW language and definitions. The departments cannot use the rule to change the law. We believe the definition of "subtherapeutic" provided in the rules meets the goals if not the exact wording requested by KAW.

COMMENT #3 KAW advises that a stricter standard (including a ban on all antibiotics) may be desirable from a marketing stand point.

RESPONSE #3 A stricter standard would require a change in the law and could not be done by rule (see response #2).

COMMENT #4 Both Ernie Chacon and KAW were supportive of the program

RESPONSE #4 The departments support the program as well.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong

Ron de Yong, Director

/s/ Cort Jensen

Cort Jensen, Rule Reviewer

Certified to the Secretary of State, March 17, 2008.